

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

To:  
**MODIANO, MICAELA NADIA  
 MODIANO JOSIF PISANTY & STAUB  
 Baaderstr. 3  
 D-80469 München  
 ALLEMAGNE**

## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year)	09/11/2004
-------------------------------------	------------

Applicant's or agent's file reference <b>3108/MNM/Ir</b>	<b>IMPORTANT NOTIFICATION</b>	
International application No. <b>PCT/EP03/50942</b>	International filing date (day/month/year) <b>04/12/2003</b>	Priority date (day/month/year) <b>19/12/2002</b>
Applicant <b>PHARMACIA ITALIA SPA</b>		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/  European Patent Office, Gitschner Str. 103 D-10969 Berlin - Germany Tel.: (+ 49-30) 25901-0 Fax: (+ 49-30) 25901-840	Authorized officer
--	--------------------

HALBARTSCHLAGER M Tel. (+ 49-89) 2399 2828	 European Patent Office • Office européen des brevets • Europäisches Patentamt
---	--

**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

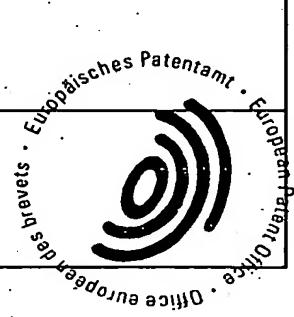
Applicant's or agent's file reference  3108/MNM/Ir	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No.  PCT/EP03/50942	International filing date (day/month/year)  04/12/2003	Priority date (day/month/year)  19/12/2002
International Patent Classification (IPC) or national classification and IPC  C07D487/00		
Applicant  PHARMACIA ITALIA SPA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 2 sheets, including this cover sheet.
 

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of \_\_\_\_\_ sheets.
3. This report contains indications relating to the following items:
  - I  Basis of the report
  - II  Priority
  - III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand  19/07/2004	Date of completion of this report  04/11/2004
Name and mailing address of the IPEA/  European Patent Office, Gitschiner Str. 103 D-10969 Berlin - Germany Tel.: (+49-30) 25901-0 Fax: (+49-30) 25901-840	Authorized officer  DE BUNDEL E R J Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP03/50942

JC20 Rec'd PCT/PTO 16 JUN 2005

**I. Basis of the report**

The basis of this international preliminary examination is the application as originally filed.

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(e) PCT); see also international search report).

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability**

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims, which have been the subject of an international search report, does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).

**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  01161	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No.  PCT/EP 03/50942	International filing date (day/month/year)  04/12/2003	(Earliest) Priority Date (day/month/year)  19/12/2002
Applicant  PHARMACIA ITALIA SPA		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing :
  - contained in the international application in written form.
  - filed together with the international application in computer readable form.
  - furnished subsequently to this Authority in written form.
  - furnished subsequently to this Authority in computer readable form.
  - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.  Certain claims were found unsearchable (See Box I).

3.  Unity of invention is lacking (see Box II).

4. With regard to the title,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/50942

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 C07D487/04 A61K31/4162 A61P17/00 A61P25/28 A61P35/00  
 //((C07D487/04, 231:00, 209:00))

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**Minimum documentation searched (classification system followed by classification symbols)  
 IPC 7 C07D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, PAJ, WPI Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/12242 A (PITTALA VALERIA ; VARASI MARIO (IT); FANCELLI DANIELE (IT); PHARMACIA) 14 February 2002 (2002-02-14) cited in the application page 2, line 1 - line 2 page 5, formula (I) examples	1-33
A	WO 02/070515 A (TRAQUANDI GABRIELLA ; VULPETTI ANNA (IT); ORSINI PAOLO (IT); PEVARELLO) 12 September 2002 (2002-09-12) paragraph '0001! page 2, line 9 - line 10 page 4, formula (I) page 2, line 24 - page 3, line 27	1-33



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

## \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Date of the actual completion of the international search

17 June 2004

Date of mailing of the international search report

25/06/2004

Name and mailing address of the ISA  
 European Patent Office, P.B. 5818 Patentlaan, 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Hoepfner, W

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/EP 03/50942

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:  

Although claims 1-10 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2.  Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

### Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/50942

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0212242	A	14-02-2002	AU	8765401 A		18-02-2002
			BR	0113176 A		17-06-2003
			CA	2416527 A1		14-02-2002
			CN	1447810 T		08-10-2003
			CZ	20030591 A3		18-06-2003
			WO	0212242 A2		14-02-2002
			EP	1320531 A2		25-06-2003
			HU	0300741 A2		28-11-2003
			JP	2004505977 T		26-02-2004
			NO	20030381 A		24-02-2003
			SK	1882003 A3		03-06-2003
			US	2003171357 A1		11-09-2003
<hr/>						
WO 02070515	A	12-09-2002	CA	2434066 A1		12-09-2002
			WO	02070515 A2		12-09-2002
			EP	1379524 A2		14-01-2004